



CLERK'S RECORD

VOLUME 8 of 8

74,769

Trial Court Cause No. 0885306D

In the 213TH DISTRICT COURT
of Tarrant County, Texas
Hon. ROBERT K. GILL, Presiding Judge

BILLY JACK CRUTSINGER, APPELLANT

VS.

THE STATE OF TEXAS

Appealed to the Court of CRIMINAL APPEALS
for the STATE OF TEXAS
at Capitol Station
AUSTIN, TEXAS

FILED IN
COURT OF CRIMINAL APPEALS
FEB 10 2004

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Delivered to the Court of CRIMINAL APPEALS
for the STATE OF TEXAS at Capitol Station,
AUSTIN, Texas, on the

26th day of January 2004

THOMAS A. WILDER, DISTRICT CLERK,
TARRANT COUNTY, FORT WORTH, TEXAS

Nancy Gilliland

NANCY GILLILAND

Deputy District Clerk

(Court of CRIMINAL APPEALS)

Cause No. _____

Filed in the Court of CRIMINAL APPEALS
FOR THE STATE OF Texas, at
Capitol Station, AUSTIN, Texas, this

____ day of _____
TROY C. BENNETT, JR., Clerk

By _____, Deputy

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NO. 0885306D

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 27 2003

THE STATE OF TEXAS

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IN THE 213TH ^{FILE} ~~JUDICIAL~~ _{RE}

Time 10:38 AM
By JUDICIAL RW Deputy

VS.

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DISTRICT COURT OF

BILLY JACK CRUTSINGER

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TARRANT COUNTY, TEXAS

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DEFENDANT'S STATEMENTS

I. FINDINGS OF FACT

1. The alleged offense that is the subject of this case occurred on or about April 6, 2003.

2. On April 8, 2003, the decedents' bodies were discovered at their house in Fort Worth, Tarrant County, Texas; and an investigation was begun into the circumstances of their death.

3. On that date, Fort Worth Police Department detectives developed information that a credit card belonging to one of the decedents was being used in Galveston, Texas.

4. The detectives traveled to Galveston on April 9, 2003.

5. While the Fort Worth detectives were en route to Galveston, Galveston officers were investigating credit card offenses that had occurred in their city.

6. Galveston officers investigated a credit card offense that occurred at the Sea Horse motel in Galveston. They determined that a credit card in the name of one of the Fort Worth decedents was used there on April 8, 2003. Through further investigation, officers followed leads to several bars located in Galveston. The testimony of the officers of the Galveston Police Department given at the suppression hearing is adopted for purposes of these Findings.

7. The Galveston Police Department investigation ultimately led Galveston Police officer Clemente Garcia III to the Defendant, at a bar in Galveston. The bar was open to the public at the time Garcia located the Defendant. Garcia approached the Defendant and asked his name. The testimony of Officer Garcia given at the suppression hearing is adopted for purposes of these Findings.

8. Officer Garcia arrested the Defendant. Garcia read the Defendant his Miranda warnings. The Defendant's black bag was confiscated at the scene. Officers looked into the bag and

examined its contents. The Defendant was then taken downtown to the Galveston Police Department headquarters.

9. Once at the Galveston Police Department headquarters, the Defendant was taken to a secure area in the building. While there, Detective John McCaskill from the Fort Worth Police Department introduced himself to the Defendant and asked to see the Defendant's hands. McCaskill then left the area.

10. After McCaskill left the area, the Defendant told Galveston officers that "I messed up and I need to talk to the Detective." Galveston officers then called for McCaskill to come back to the room.

11. McCaskill and the Defendant were then directed to an interview room. When they were in the room, McCaskill read the Defendant his Miranda warnings at about 1:14 p.m. The Defendant did not appear to be intoxicated and seemed cognizant of his situation. The Defendant waived his rights and signed the Miranda form. The form was admitted at the hearing as State's Exhibit PT-1.

12. McCaskill then photographed the Defendant, including the Defendant's injured hand. The Defendant then voluntarily signed a consent form allowing officers to search his duffel bag. This form was admitted at the hearing as State's Exhibit PT-3. The Defendant also voluntarily signed a consent form allowing officers to take a sample of his DNA. A copy of this form was admitted at the hearing as State's Exhibit PT-2.

13. After discussing the offense with McCaskill, the Defendant agreed to give a recorded oral statement. At the beginning of the recorded oral statement the Defendant is again read his rights by McCaskill. The Defendant again waived his rights and agreed to talk to McCaskill about the offense. A copy of the recorded confession was admitted at the pretrial hearing as State's Exhibit PT-5. A transcript of the recorded statement was admitted during the pretrial hearing as State's Exhibit PT-4.

14. At various points during his discussions with McCaskill, the Defendant gave information to McCaskill that lead to the discovery of some of the clothing that the Defendant was wearing during the commission of the offense, and also lead to the discovery of a vehicle belonging to one of the decedents.

15. Before McCaskill began questioning the Defendant, the Defendant had knowingly, intelligently and voluntarily waived his rights. At no time during discussions with McCaskill did the Defendant invoke any of his rights. The Defendant was not threatened, coerced or made any promises. No necessity was